

COUNCIL AGENDA: 09-20-11  
ITEM: 2.10

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Dennis Hawkins, CMC  
City Clerk

**SUBJECT:** SEE BELOW

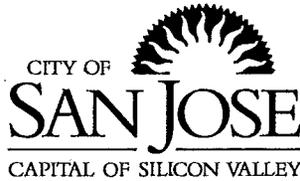
**DATE:** 09-15-11

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**SUBJECT: REPORT ON KEY LEGISLATIVE ITEMS IN THE NEIGHBORHOOD SERVICES CITY SERVICE AREA**

## RECOMMENDATION

As referred by the Neighborhood Services and Education Committee on September 8, 2011 and outlined in the attached memo previously submitted to the Neighborhood Services and Education Committee, accept the report concerning pending State legislation in the Neighborhood Services City Service Area



# Memorandum

**TO: NEIGHBORHOOD SERVICES  
& EDUCATION COMMITTEE**

**FROM: Betsy Shotwell  
Roxanne Miller**

**SUBJECT: REPORT ON KEY LEGISLATIVE  
ITEMS**

**DATE: August 22, 2011**

Approved

Date

8/22/11

## RECOMMENDATION

Accept the staff memorandum dated August 22, 2011, concerning pending State legislation in the Neighborhood Services City Service Area.

## BACKGROUND

Included in the Neighborhood Services and Education Committee work plan for 2011 is the request for a legislative update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

## ANALYSIS – PENDING STATE LEGISLATION

The State Legislature returned from summer recess on August 15 and will continue to hear bills and pass them to the Governor by September 9 when the Legislature is scheduled to adjourn and the Interim Recess begins. Bills signed by the Governor on or before October 9 will go into effect January 1, 2012 unless they contain an urgency clause or as otherwise specified.

The following is a list of bills introduced in 2011 in the Neighborhood Services City Service Area. All legislation is continually reviewed by IGR and other City departments for new amendments, and significant bills will be brought forward to the Rules Committee and the City Council for consideration and adoption of City positions.

**Neighborhood Services: includes legislation relating to animal services, child care, education, libraries, open space, parks and recreation, senior programs.**

**Animal Services**

**AB 564 (Smyth) - Income Taxes: Municipal Shelter Spay-Neuter Fund.**

This bill reestablishes the Municipal Shelter Spay-Neuter Fund and would be added to the income tax form when another voluntary contribution fund is removed or as soon as space is available and shall remain on the form for five years unless it is repealed earlier for failing to meet the minimum contribution amount. This would allow a taxpayer to designate a specified amount in excess of his or her tax liability be transferred to the Municipal Shelter Spay-Neuter Fund which would be created by this bill. Provides that all money contributed to the fund will be distributed as grants to eligible municipal shelters on a first-come-first-serve basis to provide low-cost or free spay-neuter services. Requires the municipal shelter to file an application to participate in the grant program with the State Department of Food and Agriculture. (Fiscal)

**Status:** In Senate Appropriations Committee, to Suspense File. **Amended:** 6/30/2011.

**AB 1117 (Smyth) - Animal Abuse: Penalties.**

Amends existing law that provides that the cost of seizing, caring for, and treating any animal seized pursuant to specified provisions regarding the failure to care for animals shall constitute a lien on the animal and the animal shall not be returned until the charges are paid. Applies these provisions to animals seized pursuant to a search warrant. Provides that any person convicted of certain animal treatment crimes is guilty of a public offense which provides for a specified fine. (Fiscal)

**Status:** Passed Senate Appropriations Committee, to third reading. **Amended:** 7/12/2011.

**AB 1279 (Fletcher) – Animal Shelters.**

Makes technical changes to existing law that governs the seizure, rescue, adoption and euthanasia of abandoned and surrendered animals by animal shelters and rescue organizations. Replaces references to a pound with references to an animal shelter and replaces references to destroying an animal with references to humanely euthanizing an animal. (Non-fiscal)

**Status:** In Assembly, Withdrawn from the Governor's desk, Ordered returned to the Senate.  
**Amended:** N/A

**SB 425 (Calderon) – Cruelty to Animals: Fighting.**

Increases the fine in criminal cases of cockfighting where a child under the age of 16 is present. Imposes a misdemeanor fine in a specified amount for the crime of a person to tie or fasten any live animal to a machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. Extends provisions of existing law regarding forfeiture by a criminal defendant for crimes pertaining to dog fighting, to criminal proceedings pertaining to cock fighting. (Fiscal)

**Status:** Passed Assembly, Returned to Senate for concurrence in Assembly amendments.  
**Amended:** 6/23/2011.

**SB 426 (Calderon) – Tenancy: Eviction Notices.**

Provides that a building or property used to conduct dog fighting or cock fighting in violation of specified criminal provisions is a nuisance. Specifies that a tenant who commits or maintains this public nuisance may be evicted. (Non-fiscal)

**Status:** Signed by Governor, Chapter 128, 2011 Statutes.

**Amended:** 6/15/2011.

**Child Care**

**AB 94 (Budget Committee) – Education Finance Budget Act of 2011.**

Includes budget funding for adult classes and regional occupational centers, subsidized child care and development services eligibility and funding, and CalWorks childcare. (Fiscal)

**Status:** Signed by Governor. Chapter 23, 2011 Statutes.

**Amended:** 6/28/2011.

**AB 114 (Budget Committee) – Education Finance.**

Relates to education finance to include county office of education and school district budgets, county superintendent of schools revenue limit, contract child care and development services, state-funded child care family fees and grants and mental health services for special needs pupils, instructional materials. (Fiscal)

**Status:** Signed by Governor. Chapter 43, 2011 Statutes.

**Amended:** 6/28/2011.

**AB 1312 (Smyth) - Child Care: Licensure exemption: Public Recreation.**

Expands the number of authorized hours that unlicensed public recreation programs can operate their programs for children ages zero to 18 years. Specifies programs exemption if operate for under 20 hours per week and for a total of 14 weeks or less during a 12-month period. (Fiscal)

**Status:** In Assembly Human Services, Not heard.

**Amended:** 3/31/2011

**SB 70 (Budget Committee) – Education Finance: Budget Act of 2011.**

Relates to funding for adult classes and regional occupational centers, subsidized child care and development services eligibility and funding and Cal WORKS childcare. (Fiscal)

**Status:** Signed by Governor. Chapter 7, 2011 Statutes.

**Amended:** 3/17/2011.

**SB 737 (Walters) - Organized Camps.**

Amends existing law that permits participating programs or nonprofit organizations in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to a specified number of hours per week without obtaining a license. Authorizes an increase in mandatory hours of operation. Provides the number of hours a child may be in a program. Expands a program license exemption. Requires the input and advice of organizations in the field regarding organized day camps. Provides that such camps must comply with a criminal history record check requirement. (Fiscal)

**Status:** In Assembly Appropriations Committee.

**Amended:** 6/28/2011

## Libraries

### **AB 438 (Williams) - County Free Libraries: Withdrawal Use of Contractors.**

Imposes specified requirements if the board of trustees, common council, or other legislative body of a city or board of trustees of a library district intends to withdraw from the county free library system and operate the library or libraries using a private contractor that will employ library staff to achieve cost savings, unless the library or libraries are funded only by the proceeds of a special tax imposed by the city or district. (Fiscal)

**Status:** Passed Senate Governance and Finance Committee, To third reading.

**Amended:** 7/12/2011.

### **AB 597 (Eng) - California Financial Literacy Fund.**

Establishes the California Financial Literacy Fund in the State Treasury for the purpose of enabling partnerships with the financial services community, governmental and nongovernmental stakeholders to improve state resident's financial literacy. (Fiscal)

**Status:** In Senate Appropriations Committee.

**Amended:** 7/12/2011

### **SB 445 (Simitian) - Public Records Act: Library Records**

Amends the state Public Records Act. Provides that patron use records of any library which is in whole or in part supported by public funds shall remain confidential and not be disclosed.

Provides for an exception. (Non-fiscal)

**Status:** Signed by Governor, Chapter 80, 2011 Statutes.

**Amended:** 3/21/2011

### **SB 602 (Yee) - Reader Privacy Act.**

Enacts the Reader Privacy Act. Prohibits a commercial provider of a book service from disclosing, or being compelled to disclose, any personal information relating to a user of the book service. Requires disclosure only if a court order has been issued and other conditions are satisfied. Provides exceptions. Imposes civil penalties on a provider of a book service for knowingly disclosing a user's personal information to a government entity. Provides related disclosure requirements. (Fiscal)

**Status:** In Assembly Appropriations Committee.

**Amended:** 7/5/2011

## Open Space

### **AB 703 (Gordon) – Property Taxation: Welfare Exemption.**

Amends existing law that provides that property used exclusively for the preservation of specified nature resources or open-space lands meeting other specified criteria shall be deemed to be included within the welfare exemption. Extends the inoperative and repeal date of the inclusion of this property within the welfare exemption. (Fiscal)

**Status:** In Senate Appropriations Committee

**Amended:** 5/24/2011.

### **AB 1265 (Nielsen) - Local Government: Williamson Act: Agricultural Land.**

Amends the Williamson Act to authorize a county, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue for contracts un the act are less than 1/2 of the participating county's actual foregone general fund property tax revenue, to revise the term

for newly renewed and new contracts. Requires the assessor to value the property based on the revised term. Provides the landowner may choose to not renew and begin the cancellation process. Provides revenues to the county. (Non fiscal)

**Status:** Signed by the Governor, Chapter 90.

**Amended:** 6/30/2011.

**SB 618 (Wolk) – Government: Solar-use Easement.**

Authorizes the parties to a Williamson Act contract to mutually agree to rescind the contract to enter into a solar-use easement for solar photovoltaic facilities. Requires local entities to include certain covenants in the deed granting an easement. Requires that the property be restored to original condition upon termination. Provides that a solar-use easement would be automatically renewed annually. Provides exceptions. (Fiscal)

**Status:** In Assembly Appropriations Committee

**Amended:** 7/6/2011

**SB 668 (Evans) - Local Government: Williamson Act: Agricultural Land.**

Authorizes a non-profit land-trust organization, a nonprofit entity or a public agency to enter into a contract with a landowner who has also entered into a Williamson Act contract to keep that landowner's land in contract under the Williamson Act in exchange for the open-space district's, land-trust organization's or nonprofit entity's payment of the foregone property tax revenue to the county, where the state has failed to reimburse the city or county for property tax revenues not received. (Fiscal)

**Status:** On Senate Floor, Concurrence in Assembly Amendments.

**Amended:** 5/10/2011.

**Parks and Recreation**

**AB 587 (Gordon) - Public Works: Volunteers.**

Extends the repeal date of existing law relating to specified work performed by a volunteer or a member of the California Conservation Corps or a community conservation corps. Makes technical, non-substantive changes. Repeals a provision of existing law that requires the Director of Industrial Relations to submit a report to the Legislature regarding volunteers on public projects. Relates to salaries and prevailing wage (Non Fiscal)

**Status:** In Assembly, Concurrence in Senate amendments.

**Amended:** 6/30/2011.

**SB 264 (Correa) - Recreational Activities: Skateboard Parks.**

Continues indefinitely provision in existing law deeming skateboarding at a public skateboard park a hazardous recreational activity. Requires that copies of the records of injuries incurred at such park be maintained by a local public agency and all related claims and lawsuits against the public agency be filed annually with the Assembly and Senate Judiciary Committees. Requires the maintenance of those records indefinitely. (Fiscal)

**Status:** In Senate, Concurrence in Assembly amendments.

**Amended:** 6/27/2011.

**SB 356 (Blakeslee) - State Parks: Local Operating Agreements.**

Requires the Department of Parks and Recreation, if it proposes to fully close a unit of the state park system, to enter into negotiations with a county or city that notifies the department of its intention to take over the operations and maintenance of a unit of the state park system in response

to the department's notice. Requires an agreement entered into to include certain provisions, including the length of the agreement, with an option to renew upon its conclusion. (Fiscal)

**Status:** In Assembly Appropriations Committee.

**Amended:** 6/30/2011

### Senior Programs

#### **AB 138 (Beall) - Elder Economic Planning Act of 2011.**

Requires the Department of Aging to report data from the Elder Economic Security Standard Index for each service area included in the state plan and to specify the cost of meeting basic needs for elders in each area, and to identify the number or percentage of elders living at or below the index. Requires that the Area agencies on Aging use the Elder Index to track state-administered Senior Community Service Employment Program participants' progress toward economic sustainability. (Fiscal)

**Status:** In Senate Appropriations Committee.

**Amended:** 6/15/2011.

#### **AB 533 (Yamada) - Area Agencies on Aging: Independent Living Funding.**

Appropriates from the Federal Trust Fund, to the Department of Aging, the amount of federal funds in the Federal Trust Fund necessary to pay area agencies on aging for the administration of programs under their jurisdiction and to the Department of Rehabilitation to pay independent living centers for the administration of programs under their jurisdiction. (Fiscal)

**Status:** In Assembly Appropriations Committee, Held under submission. **Amended:** N/A

#### **AB 574 (Lowenthal B) - Program of All-Inclusive Care for the Elderly.**

Amends existing law that authorizes the State Department of Health Care Services to enter into specified contracts for implementation of the PACE program and also enter into separate contracts with certain PACE organizations, to fully implement the single state agency responsibilities assumed by the department. Requires the department to establish the State Program of All-Inclusive Care for the Elderly. Deles the pilot program and demonstration projects. Increases the number of separate contracts. (Fiscal)

**Status:** In Senate Appropriations Committee.

**Amended:** 6/22/2011.

#### **AB 594 (Yamada) - Department of Aging and Adult Services.**

Enacts the Community Care Modernization Act. Establishes the Department of Adult and Aging Services in the Health and Human Services Agency for the purpose of maintaining individuals in their own homes or the least restrictive home-like environments for as long as possible, by integrating services under a single agency, to establish stronger, more focused leadership for home- and community-based services for all older adults and persons with disabilities. (Fiscal)

**Status:** In Assembly Human Services Committee.

**Amended:** 4/4/11

### PUBLIC OUTREACH



**Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting.)**

**Neighborhood Services & Education Committee**

Re: Report on Key Legislative Items

August 22, 2011

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- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting.)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers.)**

This document will be posted on the City's website for the September 8, 2011, Neighborhood Services and Education Committee, where the Council and the public will have the opportunity to comment.

**EVALUATION AND FOLLOW-UP**

The City Council will be informed as to the status of these measures as part of the regular Intergovernmental Relations legislative updates.

**COORDINATION**

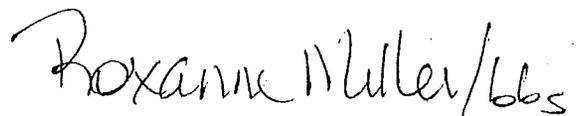
This memo was coordinated with the City Attorney's Office, and the City's Legislative Representative in Sacramento.

**POLICY ALIGNMENT**

The measures identified in the memorandum are based on the City of San José's 2011 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on December 14, 2010.



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